

PTO/SB/24A (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR EXPRESS  
ABANDONMENT TO AVOID  
PUBLICATION UNDER 37 CFR 1.138(c)**Fax the petition directly to the  
Pre-Grant Publication Division at (703) 305-8568  
Or Mail the petition to:  
Mail Stop Express Abandonment  
Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/549,489
Filing Date	September 15, 2005
First Named Inventor	Daniel E. Katzman
Art Unit	1614
Examiner Name	not yet assigned
Attorney Docket Number	NEU-101.1P US

**Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c)**

I hereby petition to expressly abandon the above-identified application to avoid publication.

Petition Fee – must be filed with petition to avoid delays in recognizing the petition.

a. ☒ The Director is hereby authorized to charge the petition fee under 37 CFR 1.17(h) to  
Deposit Account No. 50-0268. I have enclosed a duplicate copy of this sheet.b. ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

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c. ☐ Payment by credit card (Form PTO-2038 is enclosed).

NOTE: A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01. In addition, the paper will not stop publication of the application unless a petition under 37 CFR 1.138(c) is recognized and acted on by the Pre-Grant Publication Division in sufficient time to avoid publication (e.g., more than four (4) weeks prior to the projected publication date).

**TO REQUEST A REFUND OF SEARCH FEE AND EXCESS CLAIMS FEE  
(IF ELIGIBLE), PLEASE ALSO INCLUDE FORM PTO/SB/24B WITH THIS FORM.**I am the: ☐ applicant.☐ assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Attorney or agent registration number is \_\_\_\_\_☒ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b)  
because the application is expressly abandoned in favor of a continuing application.  
Attorney or agent registration number is 39,606Thomas R. Berka

Signature

January 22, 2007

Date

Thomas R. Berka, Ph.D.

Typed or printed name

617-374-3700

Telephone Number

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.138(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Express Abandonment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO 9199 and select option 2.

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**PETITION FOR EXPRESS  
ABANDONMENT TO OBTAIN A REFUND**

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Or Mail the petition to:  
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Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/549,489
Filing Date	September 15, 2005
First Named Inventor	Daniel E. Katzman
Art Unit	1614
Examiner Name	not yet assigned
Attorney Docket Number	NEU-101.1P US

**Petition for Express Abandonment Under 37 CFR 1.138(d) to Obtain a Refund**

I hereby petition to expressly abandon the above-identified application to obtain a refund of any previously paid search fee and excess claims fee in the application. Please refund any search fee and excess claims fee paid in this application.

☒ The Director is hereby authorized to credit the fee(s) to Deposit Account No. 50-0268.

**NOTE:** The provisions of 37 CFR 1.138(d) only apply to applications filed under 35 U.S.C. 111(a) on or after December 8, 2004. A paper requesting express abandonment of an application is not effective unless and until an appropriate USPTO official recognizes and acts on the paper. See the Manual of Patent Examining Procedure (MPEP), section 711.01.

**TO AVOID PUBLICATION, INCLUDE FORM PTO/SB/24A AND PETITION FEE WITH THIS FORM.**

I am the: ☐ applicant.

☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Attorney or agent registration number is \_\_\_\_\_.

☒ attorney or agent acting under 37 CFR 1.34, who is authorized under 37 CFR 1.138(b) because the application is expressly abandoned in favor of a continuing application.  
Attorney or agent registration number is 39,606.

*Thomas R. Berka*

Signature

Thomas R. Berka, Ph.D.

Typed or printed name

**RECEIVED**

USPTO-PG PUBS

JAN 24 2007

January 22, 2007

Date

617-374-3700

Telephone Number

**Note:** Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of \_\_\_\_\_ forms are submitted.

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If you need assistance in completing the form, call 1-800-PTO 9199 and select option 2.

**YANKWICH & ASSOCIATES, P.C.**

**201 Broadway  
CAMBRIDGE, MA 02139**

**Telephone No.  
617-374-3700**

**Telefax No.  
617-374-0055**

**DATE: January 22, 2007**

**TO:** U.S. Patent and Trademark Office, Pre-Grant Publication Division  
**Fax No.:** 1-703-305-8568  
**Re:** U.S. Patent Application No. 10/549,489 filed September 15, 2005  
**Our Ref:** NEU-101.1P US

**FROM:** Thomas R. Berka, Ph.D., Esq.

**Pages to Follow: 2**

**MESSAGE:**

Please find enclosed a Petition for Express Abandonment to Avoid Publication under 37 CFR 1.138(c) and a Petition for Express Abandonment to Obtain Express Refund for the above-captioned patent application.

Thank you for your attention to this matter.

cc:

The information contained in this transmission is privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by telephone and arrange for return of the original message to the sender at the above address via courier or post. Thank you.

**IF THERE ARE ANY PROBLEMS WITH THIS TRANSMISSION,  
PLEASE CONTACT Ms. Nasim G. Memon AS SOON AS POSSIBLE (617-374-3700).**